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### DECLARATION OF C. MICHAEL MOORE

I, C. Michael Moore, declare:

1. I am an attorney admitted to practice *pro hac vice* before this Court and am one of the attorneys representing Defendants Schering Corporation, Schering-Plough Corporation and Warrick Pharmaceuticals Corporation in these cases. In that capacity, I have personal knowledge of the facts stated in this Declaration, and I know these facts are true.

2. On Thursday, June 11, 2009, I spoke to Michael Wingate-Hernandez, one of the attorneys representing the State of Hawai'i, concerning the depositions scheduled for the week of June 22, 2009, in Hawai'i. Mr. Wingate-Hernandez was in Honolulu for the depositions scheduled for the week of June 8, 2009. He asked me if we should go forward with the deposition of Lynn Donovan on June 23, 2009. I told him the deposition must go forward that week because of the Court's trial schedule and because I was prepared to take the deposition and was already in Hawai'i. I also explained to him that I could not take the deposition in July 2009 due to prior commitments. I also said that we had, I believed, another Hawai'i Medicaid witness, Angie Payne, scheduled to come to Honolulu at Defendants' expense the week of June 22, 2009.

3. After discussing the situation, Mr. Wingate-Hernandez agreed the deposition of Ms. Donovan would go forward the week of June 22, 2009, but asked if we would move it to June 24, 2009, to facilitate his travel back to Honolulu. After checking with other defense counsel, we agreed to accommodate Mr. Wingate-Hernandez's schedule and agreed Ms. Donovan's deposition would proceed on June 24, 2009. In addition, based on subsequent e-mail communications with Rick Eichor, another attorney representing the State, the parties agreed Ms. Payne's deposition would take place in Honolulu on June 26, 2009.

4. I took the deposition of Ms. Donovan the first time she was deposed in this litigation, and I will be taking the lead again this time. I have spent a considerable amount of time preparing for her deposition and am currently in Hawai'i and planning to travel back to Honolulu on June 20, 2009, to make final preparations for the depositions of Ms. Donovan and

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Ms. Payne, I am not available to take these depositions on the dates in July proposed by the State's attorneys.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on this 17th day of June, 2009, at Lihue, Hawai'i.

  
C. MICHAEL MOORE